

VOLUNTEERS IN THE COURTS

THE WISCONSIN SUPREME COURT ♦ P.O. BOX 1688 ♦ MADISON, WI 53701-1688

EXCERPT FROM *THE THIRD BRANCH*

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CASAs: A Judge's Eyes and Ears, a Child's Voice

Sam is a middle child with four siblings. He was living with his mother who left an abusive husband, but in trying to change her life was unable to meet the needs of her children. Sam was identified as a "problem child" who was unable to control his anger. Eventually, he was placed in a foster home.

A Dane County CASA (Court Appointed Special Advocate) monitored his case. The CASA volunteer spent 26 months making weekly home visits, first with the boy's biological family, and later with his foster family. She recommended that the court terminate the mother's parental rights based on her observation that the foster family's stable, consistent, and positive environment was helping Sam control his anger, make friends at school, and improve his grades.

A CASA is appointed by a judge to handle only one or two cases at a time. The CASA serves as the eyes and ears of the judge. Meeting with social workers, attorneys, teachers, and families, they spend months observing and assessing a child's environment as non-biased observers. Later, they appear in court to report their findings and address the child's best interest. Finally, the CASA monitors each case to its conclusion, helping to ensure that it comes to a speedy and appropriate end.

Organized in 1984, the National CASA Association (NCASAA) supports more than 800 CASA programs across the country. There are currently eight CASA programs in varying stages of development in the following Wisconsin counties: Brown, Columbia-Sauk, Dane, Fond du Lac, Kenosha, La Crosse, and Milwaukee.

The Coulee Region YWCA CASA Program in La Crosse held a kick-off press conference in October to recruit volunteers. One goal of that program is to speed services to children so problems can be resolved in "kid time," said La Crosse County Circuit Judge Ramona A. Gonzalez. "Three months for a kid can be a lifetime."

Following the media attention, the YWCA received more than 30 calls from people who want to volunteer.

There are also 17 tribal court CASA programs in the United States. The Red Cliff CASA Project of the Red Cliff Band of Lake Superior Chippewa Indians in Bayfield, Wis., is the first in the state. With help from Judicare, CASA Coordinator Stephanie Defoe and Jean Buffalo-Reyes, former tribal court chief judge and now Red Cliff tribal chair, successfully applied for a \$40,000 NCASAA planning grant for the Red Cliff project. They have convened a board,

established program policies and procedures, and are beginning to recruit volunteers. At first, the CASAs will only work with the tribal court, but they may eventually volunteer to serve the Bayfield County Circuit Court as well.

"The children in our court now do not have anyone to represent them. No one to stand up for their rights," said Defoe. "There are not enough guardians *ad litem* to serve all of the children."

In 1974, more than 30 percent of Native American children were in out-of-home placement. State courts were terminating parental rights due to what some considered unwarranted claims of abuse and neglect, and many children were being placed in non-Indian foster and adoptive homes and institutions. In response, Congress passed the Indian Child Welfare Act (ICWA) in 1978 to protect Native American children, families, and culture, according to Becca Calhoun of the NCASAA. ICWA provides that, whenever possible, Native American child welfare cases should be heard in tribal courts and also sets procedural safeguards for those cases that remain in state courts.

According to Buffalo-Reyes, the Red Cliff community works together to raise their children. "We look after one another," she said. With that in mind, tribal CASAs will talk to all those who are knowledgeable about the child's welfare, and report that information to the judge. It will then be up to the tribal courts, who understand the uniqueness of the family system and culture, to decide the best interest of the child. "[Tribal communities] look for the way to wellness," said Buffalo-Reyes.

For more information on Wisconsin CASAs, contact Marcia L. Varvil-Weld at (608) 221-3511. To learn more about the Red Cliff CASA Project, contact Stephanie Defoe at (715) 779-3726, ext. 13. For information on the NCASAA, visit www.nationalcasa.org/ or their resource site at www.casanet.org/, or call (800) 628-3233.

Just Six Months Old, Brown County Mediation Center a Success

A couple had contracted with a company to install a sidewalk by their home. While the crew was working, the couple's son, an engineer, watched. He believed the job was not being done correctly, and began to give the workers instructions, which they ignored.

When the couple received the bill for the sidewalk, they decided to withhold \$1,000 from the payment because they believed the work was sub-standard, based upon their son's recommendation. The company sued.

The parties were given an option: appear before a court commissioner to adjudicate the dispute, or try to resolve it with help from the Brown County Mediation Center.

The Center opened its doors in late March, and, by September, it had resolved more than 85 percent of the approximately 120 cases it mediated, according to Executive Director Diane Legomsky. The Center recently started taking referrals from the Green Bay Police Department for family and neighbor disputes that would not result in an arrest, but might escalate and require future police and court intervention.

Legomsky will train 10 more volunteers this year and the Center has plans to continue expansion by adding more referral agencies and possibly taking on large claims and lawyer-represented cases as well.

The Center receives half of its budget from the Brown County Board, and the rest comes from private foundations and individuals. With the addition of the Brown County Mediation Center, there are now eight small claims mediation programs that use volunteers in Wisconsin.

The Center mediates landlord-tenant, merchant-customer, and employer-employee disputes. Parties in all monetary *pro se* small claims appearing for a return date (a court proceeding to set future hearings) are scheduled for mandatory mediation orientation, which is held about one week later. At the orientation, Legomsky gives a 15-minute presentation on how mediation works. Those choosing mediation (the majority of the litigants, according to Legomsky) begin a session with a trained volunteer mediator immediately. The rest are scheduled for a hearing before a court commissioner within three weeks.

The Center's 20 volunteers serve as neutrals to help disputing parties reach an agreement. During the sessions, mediators ask questions that lead the parties to a constructive conversation about what really is driving the grievance, with the hope of coming up with creative resolutions.

In the sidewalk case, the parties initially agreed that the contested issue was the \$1,000. But the mediator saw it differently. Instead of negotiating a monetary settlement, the mediator talked with the parties to determine what was of real importance. The company did not want a reputation for poor workmanship, and the couple did not want to bear the expense of possibly having to install a new sidewalk in a couple of years. But also at issue was that the couple believed the company's workers had treated their son disrespectfully. During the discussion, the parents learned that the company's workers had not known that the son was an engineer with experience in this type of work. And together with the mediator, the parties agreed to revise the company's warranty. The company stipulated that if the sidewalk showed signs of undue wear in a certain time period, the company would return to correct any problems. In return, the couple would pay the bill in full. The son and staff from the company left the mediation session talking and laughing.

"In small claims court the only language is money," Legomsky said, but based on her experience, mediation can address the emotional and psychological, as well as the financial, issues the parties are facing.

For more information, contact Diane Legomsky at (920) 438-7067.

Barron County Welcomes Restorative Justice Programs, Inc.

Five high school seniors broke into a school in Barron County and slaughtered several turkeys in the hallways. The community was appalled. There were calls to deny the boys scholarships that they had been promised, but it seemed no punishment could lessen the people's outrage.

Restorative Justice Programs, Inc., a non-profit, community-based agency that incorporated in June in Rice Lake, brought in Carolyn McLeod, a senior training associate of the Center for Restorative Justice & Mediation in Minnesota. She first met separately with the boys and their parents, and then with 26 members of the community chosen by the school, including police officers, school janitors and teachers, reporters, and others. Finally, she brought everyone together for a three-hour meeting.

The community expressed their anger and shock, and the students apologized for their actions. The session gave both groups a way to start talking. "It allowed everyone to reconcile with a very negative situation," Restorative Justice Programs Interim Director Deb Neuheissel said.

After the meeting, three people asked if they could be trained as mediators. Along with approximately 20 other volunteers, they met with McLeod in November to learn how to mediate victim/offender conferences. They will work with Restorative Justice Programs, Inc., to mediate juvenile and adult cases referred to them by courts, human services, law enforcement, and schools. They will also arrange special community/offender conferences like the one above.

Barron County Circuit Court Judge Edward R. Brunner received start-up funds for the project in the form of a Juvenile Accountability Incentive Block Grant administered by the Wisconsin Office of Justice Assistance. He turned over formation and operation of the project to a nine-member volunteer board to encourage community support and ownership. "It is essential that this be a grassroots program fostered and furthered by the community," Brunner said.

Evaluations from the Programs' first two cases indicate that victims feel good about the process, according to Connie Doyle, president of the Board of Directors. "The process is always victim-initiated," said Doyle. "It's paramount that the focus be on the welfare of the victim—empowering them— healing them."

For information, contact Deb Neuheissel at (715) 436-3304 (please leave a message).

Teen Court Conference Review

More than 100 people gathered in Madison to attend the first-ever *Wisconsin Teen Court Conference* on October 7. The conference was designed to develop a network of existing teen courts and provide them with new resources, and to educate others about how to start programs. The result of the conference is the creation of the Wisconsin

Teen Court Association, whose first meeting will be held in Stevens Point on December 3. The new Association's goals include developing a communication network for teen courts throughout the state to facilitate problem solving, organizing regular gatherings of teen court coordinators, and creating ways to educate judges, county board members, legislators, and law enforcement officers about what teen courts are and why they work.

Teen courts are designed to hold juveniles accountable for their actions. During the proceeding, the juvenile is asked by his/her peers to explain why he or she committed the offense, and the sentence includes jury duty and community service as restitution for their offense. In addition, the programs help youth develop important life skills by encouraging public speaking, use of reasoning and logic, conflict resolution, and citizenship.

There are 13 teen courts operating throughout the state, with new programs being considered in Waupaca, Dane, and Wood Counties. Teen courts hear cases of first-time juvenile offenders who have admitted guilt and have chosen this alternative sentencing program. Teen courts vary in type; some are three- to five-person tribunals of trained teens who question offenders and determine sentencing, and others use teens as attorneys, bailiffs, clerks of court, and jurors while an adult presides as judge.

Recently appointed Wisconsin Supreme Court Justice Diane S. Sykes gave the keynote address at the conference. She said that recent changes in the juvenile justice code have opened the door to teen courts by stressing accountability and participation of youth in the justice system.

"One of the biggest contributions teen courts can make to society's greater good [is] the inspiration of young people to active citizenship," Sykes told the group. "Teen courts are a new weapon in the 'personal responsibility' arsenal."

Conference presenters included Paula A. Nessel of the American Bar Association's Division for Public Education, and Tracy Godwin of the American Probation and Parole Association's National Youth Court Center. They offered participants a national perspective on teen court funding, legal issues, and evaluation methods.

"There seems to be a lot of support for teen courts in Wisconsin, and it's really promising that so many different groups are interested in this program," Godwin said. Conference participants included teen court coordinators, judges, clerks of circuit court, intake workers, social services representatives, corrections officials, law enforcement officers, teachers, teens, and others.

A highlight of the conference was a demonstration trial by volunteers from the Iowa County Teen Court, coordinated by Marcia Richgels-Hill and Claire Joyner. Iowa County Circuit Court Judge William D. Dyke introduced the Teen Court, which presented the case of a 15-year-old boy caught vandalizing a picnic table in a local park. Conference participants observed defense and prosecution teams making their opening statements, and questioning the defendant and his mother. In closing, each team recommended a sentence. The jury deliberated and presented a sentence of three teen court jury terms, 15 hours of community service with the parks division, an apology letter to his parents and the arresting officer, and a 500-word essay on how vandalism affects the community.

The event was sponsored by the Boys & Girls Club of Greater La Crosse, the Governor's Juvenile Justice Commission, the Office of Justice Assistance, and the State Bar of Wisconsin.

For more information, contact Karen Leone de Nie at (608) 266-1298 or e-mail

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For information on the Volunteers in the Courts initiative contact Karen Leone de Nie, Program Assistant to the Wisconsin Supreme Court, at (608) 266-1298 or by e-mail at karen.leonedenie@courts.state.wi.us.